

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

RASHAAD A. HERRING

PLAINTIFF

VS.

CIVIL ACTION NO. 3:09CV123TSL-FKB

SUPERIOR WELDING & FABRICATION, INC.

DEFENDANT

ORDER

This cause is before the court on the motion of defendant Superior Wwelding & Fabrication, Inc. for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure. Plaintiff Rashaad A. Herring has responded to the motion and the court, having considered the memoranda of authorities, together with attachments, submitted by the parties, concludes that the motion should be granted as to plaintiff's claim for race discrimination and intentional infliction of emotional distress, but should be denied as to plaintiff's retaliation claim. As pertains to his retaliation claim, plaintiff's response to defendant's motion includes evidence of a version of events which differs in material respects from that claimed by defendant, and which in the court's opinion, precludes defendants' request for summary judgment.

Accordingly, it is ordered that defendant's motion for summary judgment is granted in part and denied in part, as set forth herein.

SO ORDERED this 27<sup>th</sup> day of May, 2010.

  
UNITED STATES DISTRICT JUDGE